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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,390	11/09/2000	HORST GRAFE	DT-3734	5453

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EXAMINER

TRAN, KIM N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/28/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/710,390

Applicant(s)

GRAFE ET AL.

Examiner

Kim N Tran

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on November 11, 1999. It is noted, however, that applicant has not filed a certified copy of the Germany application as required by 35 U.S.C. 119(b).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 5 and 6, it is unclear how the first and second blade drums are "preloaded". Additionally, it is unclear what "preloaded" refers to.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, it is unclear what structural feature is being defined by the claimed limitation.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. Sato et al. discloses the invention substantially as claimed including a first blade drum (6) carrying a first blade (45), second blade drum (12) carrying a second blade (46) synchronized such that the blades sever a rolled strip (col. 5, lines 45-49), means located in front and behind to advance the rolled strip (89), roller means to support the rolled strip (77), and synchronizing tooth gears (14a, 14b, 15a, 15b). Sato et al. does not disclose blade drums that differ in diameter. However, varying the diameters of the blade drums is well-known in the art as demonstrated by Leroy, Wolfberg et al, and Hillebrand. Additionally, varying the blade drum such that the first rotates a number or x-revolutions corresponding to a number of y-revolutions of another drum such that the drums are synchronized to interact at a particular reference point or at a particular time is fundamental mechanics that is within the skill level of any engineer.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. Sato et al. discloses the invention substantially as claimed including an upper beam

bridge (6) with shaft stubs (7a, 7b) carrying a first blade (45), second blade drum (12) carrying a second blade (46) synchronized such that the blades sever a rolled strip (col. 5, lines 45-49), means located in front and behind to advance the rolled strip (89), roller means to support the rolled strip (77), and synchronizing tooth gears (14a, 14b, 15a, 15b). Sato et al. does not disclose blade drums that differ in diameter. However, varying the diameters of the blade drums is well-known in the art as demonstrated by Leroy, Wolfberg et al, and Hillebrand. Additionally, varying the blade drum such that the first rotates a number or x-revolutions corresponding to a number of y-revolutions of another drum such that the drums are synchronized to interact at a particular reference point or at a particular time is fundamental mechanics that is within the skill level of any engineer.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. Sato et al. discloses the invention substantially as claimed including a first blade drum (6) carrying a first cutting bit (45), second blade drum (12) with an anvil (46) synchronized such that the blades sever a rolled strip (col. 5, lines 45-49), means located in front and behind to advance the rolled strip (89), roller means to support the rolled strip (77), and synchronizing tooth gears (14a, 14b, 15a, 15b). Sato et al. does not disclose blade drums that differ in diameter. However, varying the diameters of the blade drums is well-known in the art as demonstrated by Leroy, Wolfberg et al, and Hillebrand. Additionally, varying the blade drum such that the first rotates a number or x-revolutions corresponding to a number of y-revolutions of another drum such that the

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drums are synchronized to interact at a particular reference point or at a particular time is fundamental mechanics that is within the skill level of any engineer.

**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas, Sclipa, Ward, Sr., Klein, Hilsenbeck, Garret et al., Welch, Martiny, and Kuromaru et al. are cited to show related devices.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim N Tran whose telephone number is 703-305-2597. The examiner can normally be reached on Alternate Mondays, Tuesday-Friday from 8-5:30 pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3590 for regular communications and 703-305-9835 for After Final communications.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



knt

November 19, 2001



M. Rachuba  
Primary Examiner